

REMARKS

Claims 1-26 are pending in this application. By this Amendment, claims 6, 20 and 22 are amended. Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested.

I. The Finality of the Action Should Be Withdrawn and Amendment Entered

Entry of the amendments is proper for at least the reason that the finality of the current Action is improper as discussed below. Withdrawal of the finality and entry of the amendments is thus respectfully requested.

MPEP §706.07(a) states, in relevant part, that “second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant’s amendment nor based on information submitted in an information disclosure statement …” (emphasis added). In this case, the phrases “a plurality of frame selection circuits which are provided in correspondence with the plurality of grayscale pattern selection circuits” in claim 1 and “a grayscale pattern selection circuit which selects one Frame Rate Control Read Only Memory from among the plurality of Frame Rate Control Read Only Memories” in claim 22 were not amended, yet the current Office Action applies a new ground of rejection under 35 U.S.C. §112 against both claims 1 and 22 based on these phrases. For at least this reason, the finality is improper and must be withdrawn.

II. Request for Acknowledgement that References are Considered of Record

An Information Disclosure Statement with Form PTO-1449 was filed on March 9, 2004. Applicant has not yet received back from the Examiner a copy of the Form PTO-1449 initialed to acknowledge the fact that the Examiner has considered the cited disclosed information. The Examiner is requested to initial and return to the undersigned a copy of the subject Form PTO-1449. For the convenience of the Examiner, a copy of that form and the PTO date-stamped receipt is attached.

III. The Claims Define Allowable Subject Matter

A. Claim Rejections Under 35 U.S.C. §112

The Final Office Action rejects claims 1-5, 8-12, 14-18 and 22-26 under 35 U.S.C. §112, second paragraph.

Regarding claims 1-5, 8-12 and 14-18, the Final Office Action asserts that it is not clear what the Applicant means [by] “a plurality of frame selection circuits which are provided in correspondence with the plurality of grayscale pattern selection circuits.”

The Final Office Action does not, in fact, object to the language of the claim itself. Rather, it asserts that there is an inconsistency between the claim language and the specification, because the specification discloses an alternate configuration. However, the alternate configuration cited by the Final Office Action is encompassed within the scope of the claims. Even if, *e.g.*, a grayscale pattern selection ROM and an FRCROM are configured as a single ROM, they are still provided in correspondence with each other. Claim 1 therefore is not inconsistent with the specification and is not ambiguous. Claim 1 covers all of the disclosed alternatives on this point.

Applicant respectfully submits that because claims 2-5, 8-12 and 14-18 depend from claim 1, these claims satisfy the requirements of 35 U.S.C. §112 at least for the same reasons as claim 1.

Regarding claims 22-26 the Final Office Action asserts that it is not clear what the Applicant means [by] “a grayscale pattern selection circuit which selects one Frame Rate Control Read Only Memory from among the plurality of Frame Rate Control Read Only Memories.” Claim 22 is amended to obviate this rejection.

It is respectfully submitted that because claims 23-26 depend from claim 22, these claims satisfy the requirements of 35 U.S.C. §112 at least for the same reasons as claim 22.

Accordingly, withdrawal of the rejections under 35 U.S.C. §112 is respectfully requested.

B. Claim Rejections 35 U.S.C. §102

The Final Office Action rejects claims 20 and 21 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 6,353,435 to Kudo *et al.* (hereinafter “Kudo”). This rejection is respectfully traversed.

Applicant respectfully submits that Kudo fails to disclose or teach all of the features recited in claim 20. Specifically, Kudo fails to disclose or teach the feature of selecting one grayscale pattern from among a plurality of grayscale patterns having at least two types of frame cycles based on data for image display stored in Random Access Memory and outputting the selected grayscale pattern for each frame, as recited in claim 20. Kudo fails to even mention that the grayscale pattern is selected based on data stored in Random Access Memory. Kudo merely teaches that the grayscale data are input from flash memory which is not Random Access Memory.

Further, Kudo fails to disclose or teach the feature of selecting one grayscale pattern from among a plurality of grayscale patterns based on data for image display stored in Random Access Memory. Instead, Kudo merely discloses frame rate control patterns switched by line memory controller 33 and data selector and data width converters 24, 29 (col. 8, lines 8-19, col. 12, 19-24 and Fig. 2 of Kudo).

It is respectfully submitted that because claim 21 depends from claim 20, claim 21 is also allowable at least for the same reasons as claim 20.

C. Claim Rejections 35 U.S.C. §103

The Final Office Action rejects claims 6, 7, 13 and 19 under 35 U.S.C. §103(a) as unpatentable over Kudo in view of U.S. Patent No. 5,122,783 to Bassetti, Jr. (hereinafter “Bassetti”). This rejection is respectfully traversed.

It is respectfully submitted that the applied combination fails to disclose or suggest all of the features recited in claim 6. Specifically, Kudo fails to disclose or teach the feature of a plurality of frame rate control Read Only Memory which store a plurality of grayscale patterns with mutually different frame cycles and use data stored in the Random Access Memory to select one grayscale pattern from among the plurality of grayscale patterns, as recited in claim 6.

Kudo merely discloses using data stored in flash memory, which is not Random Access Memory (col. 7, lines 37-38 of Kudo). Bassetti fails to make up for this deficiency.

In addition, the Final Office Action admits that Kudo fails to teach the feature of Random Access Memory being electrically connected to the plurality of grayscale pattern selection circuits, but asserts that Bassetti makes up for this deficiency. Moreover, as explained above, Kudo fails to disclose or teach the feature of selecting one grayscale pattern from among a plurality of grayscale patterns based on data for image display stored in Random Access Memory. Instead, Kudo merely discloses frame rate control patterns switched by line memory controller 33 and data selector and data width converters 24, 29 (col. 8, lines 8-19, col. 12, 19-24 and Fig. 2 of Kudo).

Applicant respectfully submits that there would have been no motivation to combine Bassetti with Kudo. The Final Office Action asserts that it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify each of Kudo's memory which is directed through at least one of two or more grayscale pattern selection units, in view of the teaching in Bassetti's reference because this would provide the mapping function of the brightness spreading RAM 1080 or downloaded from the CPU 880 as taught by Bassetti. However, this assertion does not indicate how Bassetti would be used within the invention disclosed in Kudo in order to disclose all of the features recited in claim 6. In fact,

the motivation cited by the Final Office Action is merely a recitation of Kudo, and fails to suggest any motivation to apply such a feature in Kudo.

Accordingly, this rejection is in error and must be withdrawn.

It is respectfully submitted that because claims 7, 13 and 19 depend from claim 6 that these claims are allowable at least for the same reasons as claim 6.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:GWT/gwt

Attachments:

Copy of earlier filed PTO-1449
Copy of stamped receipt for Information Disclosure Statement

Date: November 8, 2004

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Name of Applicant: Tsuyoshi YONEYAMA

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Atty. File No.: 111907

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Sheet 1 of 1

Form PTO-1449
(REV. 8-83)

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INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

ATTY DOCKET NO.
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APPLICATION NO.

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APPLICANT(S)
Tsuyoshi YONEYAMA

Technology Center 2600

FILING DATE
February 5, 2002

GROUP
2674

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS
	1	JP A 6-195043 w/abst & trans	07/1994	Japan		
	2	JP A 9-218385 w/abst & trans	08/1997	Japan		
	3	JP U 62-173831	11/1987	Japan		

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

EXAMINER

DATE CONSIDERED

Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.